

**..TITLE**

Request by D. R. Horton, Inc. for subdivision final plat approval of The Estates at Legend Oaks, Phase 1A, consisting of 12 lots on 18.064 acres located off US 15-501 N and Legend Oaks Drive, Williams Township, Parcel 18665.

**..ABSTRACT**

**Action Requested:**

Request by D. R. Horton, Inc. for subdivision final plat approval of The Estates at Legend Oaks, Phase 1A, consisting of 12 lots on 18.064 acres located off US 15-501 N and Legend Oaks Drive, Williams Township, Parcel 18665.

**Introduction & Background:**

- Zoning:** R-1
- Watershed District:** WSIV-PA
- Water Source:** Public, Chatham County
- Septic:** Individual on-site, private
- Within 100 year flood plain:** No

The Estates at Legend Oaks, Phase 1A is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Ordinance. The name has changed from Legend Oaks, Phase III to The Estates at Legend Oaks. Phase I of Legend Oaks received final plat approval for 31 lots in 2006 and Phase II received final plat approval for 27 lots in 2007. In 2007 the Board of County Commissioners denied a request for sketch design of Legend Oaks, Phase III consisting of 71 lots. In 2007, by Consent Judgment and Settlement Agreement, a sketch plan for Phase III consisting of 56 lots was approved. In August 2009, Phase III received preliminary plat approval from the Board of County Commissioners for 56 lots. The 12 lots in Phase 1A are a portion of the preliminary plat approved 56 lots.

The final plat submittal deadline for all 56 lots is July 1, 2015.

**Discussion & Analysis:**

The developer is requesting final plat approval of 12 lots with a financial guarantee for the completion of required infrastructure. The Subdivision Regulations states that when forty (40) percent of the total cost of improvements have been completed ..... and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat.....” See Section 3.1 B (1) of the Subdivision Regulations for the complete language. Trenton Stewart, P. E. has certified in a cost estimate letter, dated

11/7/13 that 65% of the required infrastructure has been completed. The grade of the roadway extending from Legend Oaks, Phase II into The Estates at Legend Oaks has to be lowered, per NCDOT requirements. The developer is currently working on completing the required road lowering. At this time there is not sufficient gravel on the roadbed serving Phase 1A for access by emergency vehicles so that the public health and/or safety will not to be endangered. Per the cost letter the work completed to date exceeds the required 40%, so that the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat and accept a financial guarantee for the completion of the improvements; however, staff recommends that the final plat not be recorded until the lowering of the roadway has been completed and sufficient gravel has been place on the roadway in order to protect the public health and safety and staff has received certification from the engineer regarding both issues.

The lots will be accessed by a public, state maintained roadway, county water and on-site, private septic systems and repair areas. Staff has received septic improvement permits for the 12 lots. Staff has requested that the owners address be added to the plat. With this one addition, the plat meets the requirements of the Subdivision Regulations.

The Planning Board reviewed the request at their December 3<sup>rd</sup> Planning Board meeting. There were no adjacent property owners present. There were no issues of concern from the Planning Board.

**Recommendation:**

The Planning Board (by unanimous vote – 8 members present) and staff recommend granting final plat approval of “The Estates at Legend Oaks, Phase 1A” and recommend granting approval of the acceptance of a financial guarantee with the following conditions:

1. The plat not be recorded until the lowering of the roadway has been completed and sufficient gravel has been place on the roadway in order to protect the public health and safety and staff has received certification from the engineer regarding both issues.
2. The plat not be recorded until the county attorney has approved the form, sufficiency, and manner of execution of the financial guarantee.

